

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2012-0059 – Lot 2, Block Y  
Circle C Phase B Section Nineteen

**Z.A.P. DATE:** July 17, 2012  
August 7, 2012

**ADDRESS:** 10407 ½ Dahlgreen Avenue

**OWNER:** Circle C Land Corp  
(Dave Ruehlman)

**AGENT:** Murfee Engineering Company, Inc.  
(Ronée Gilbert)

**ZONING FROM:** GR-MU-CO

**TO:** GR-MU-CO, to modify the conditional overlay and remove the provision which prohibits vehicular access to Dahlgreen Avenue for a day care services use

**AREA:** 6.052 acres

### **SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant community commercial – mixed use – conditional overlay (GR-MU-CO) combining district zoning to modify the conditional overlay by removing the provision which prohibits vehicular access to Dahlgreen Avenue for a day care services use only. All other portions of the Conditional Overlay that apply to Lot 2 (the subject property) will remain unchanged.

### **ZONING & PLATTING COMMISSION RECOMMENDATION:**

July 17, 2012: *MEETING CANCELLED; RESCHEDULED FOR AUGUST 7, 2012*

August 7, 2012: *APPROVED GR-MU-CO DISTRICT ZONING TO MODIFY THE CONDITIONAL OVERLAY BY REMOVING THE PROVISION WHICH PROHIBITS VEHICULAR ACCESS TO DAHLGREEN AVENUE FOR A DAY CARE SERVICES USE ONLY, AS STAFF RECOMMENDED, BY CONSENT*  
*[P. SEEGER; G. ROJAS – 2<sup>ND</sup>] (6-0) S. BALDRIDGE – ABSENT*

### **ISSUES:**

The Circle C Homeowners Association has provided a letter of support for the proposed modification to the Conditional Overlay.

### **DEPARTMENT COMMENTS:**

The subject undeveloped property is described as Lot 2 of Tract A and is a part of Tract 110 of the Stratus Property at Circle C. It is located at the southeast corner of Dahlgreen Avenue and La Crosse Avenue, and the remainder of Tract 110 is adjacent to the east and south. Zoning for this tract as well as several other Stratus properties in the vicinity was approved in August 2002. Lot 2 is zoned community commercial – mixed use – conditional overlay (GR-MU-CO) district with the conditional overlay establishing prohibited uses, square footage

restrictions for a single occupant leasable space and development standards. Access is limited to La Crosse Avenue, and is prohibited to MoPac by a plat note on an adjacent subdivision and to Dahlgreen by the 2002 zoning case. There are single family residences within Circle C Ranch Phase C across La Crosse Avenue to the north (I-SF-2), a creek and undeveloped property to the south (GO-MU-CO; CS-MU-CO), and an AISD elementary school, undeveloped property and single family residences to the west (I-RR; RR; I-SF-2). Please refer to Exhibits A (Zoning Map), A-1 (Aerial View) and C (2011 Rezoning Ordinance).

The Applicant's requested zoning change is to modify the conditional overlay by removing the provision which prohibits vehicular access to Dahlgreen Avenue, limited to a day care services (limited, general, commercial) use only. All other portions of the Conditional Overlay that apply to Lot 2 (the subject property) will remain unchanged. The Applicant's intent is to develop the property with a neighborhood child development center. All of the other conditional overlays associated with the subject property, as well as the Development Agreement between the City of Austin and the Circle C Land Corporation and the associated covenants, would remain unchanged.

Staff recommends the Applicant's request as it: 1) represents an incremental change in zoning on the property; and 2) allows for a use that is compatible with the nearby uses including single family residences, an elementary school and child care facilities.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	GR-MU-CO	Undeveloped; Drainage and filtration pond
<i>North</i>	I-SF-2	Single family residences
<i>South</i>	GO-MU-CO; CS-MU-CO	Undeveloped
<i>East</i>	GR-MU-CO	Undeveloped
<i>West</i>	I-RR; RR; I-SF-2	Kiker Elementary School; Child care facility; Greenbelt; Single family residences

**AREA STUDY:** N/A

**TIA:** Is not required

**WATERSHED:** Slaughter Creek –  
Barton Springs Zone – Recharge Zone

**DESIRED DEVELOPMENT ZONE:** No

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

298 – Oak Hill Association of Neighborhoods (OHAN)

384 – Save Barton Creek Association

427 – Circle C Homeowners Association

705 – OHAN 78735

742 – Austin Independent School District

786 – Home Builders Association of Greater Austin

943 – Save Our Springs Alliance

967 – Circle C Neighborhood Association    1037 – Homeless Neighborhood Association  
 1075 – League of Bicycling Voters  
 1200 – Super Duper Neighborhood Objectors and Appealers Organization  
 1224 – Austin Monorail Project                      1228 – Sierra Club, Austin Regional Group  
 1236 – The Real Estate Council of Austin, Inc.                      1340 – Austin Heritage Tree Foundation  
 1343 – Oak Hill Trails Association                      1363 – SEL Texas

### **SCHOOLS:**

Kiker Elementary School      Gorzycki Middle School                      Bowie High School

### **CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2010-0205 – 5501-5617 La Crosse Ave.	GR-MU-CO to GR-MU-CO to modify the CO as it pertains to a college & university facilities use	To Grant a change to the CO and increase the square footage for a single occupant of a leasable space from 36,750 to 74,000 square feet on Lot 1 and to prohibit the use on Lot 2	Approved as Commission recommended (3-24- 2011).
C14-02-0040.109 – Lot 109 – West of Dahlgreen Ave. and approx. 930' south of La Crosse Ave.	I-RR to RR	To Grant	Approved (8-1-02).
C14-02-0040.111 – Tract 111 – Southeast corner of MoPac and La Crosse Ave.	I-RR to RR	To Grant	Approved (8-1-02).
C14-00-2035, Tract 4 – City of Austin (Bradley Parties) – 5827 La Crosse Ave.	I-RR to LO	To Grant LO-CO with CO limiting building or structure height to 35 feet	Approved LO-CO as Commission recommended (3-23- 00).

### **RELATED CASES:**

The property was annexed into the full purpose jurisdiction of the City of Austin on December 19, 1997 and assigned I-RR district zoning. The rezoning area is a portion of Tract 110, known as Lots 1 and 2 of Tract A, was approved for GR-MU-CO district zoning on August 1, 2002 (C14-02-0040.110 – Tract 110). The Conditional Overlay for Lots 1 and 2 of Tract A prohibits vehicular access to Dahlgreen Avenue, establishes setbacks for a

building or structure, limits height, establishes parking location, prohibits certain uses, and prohibits certain uses for a single occupant of any lease space over 36,750 square feet. In 2010, a rezoning request was made to the subject property as well as adjacent property to the east to modify the conditional overlay as it pertains to a college and university facilities use (C14-2010-0205 – 5501-5617 La Crosse Avenue). On the eastern tract (Lot 1), the square footage for single occupant leasable space for a college and university facilities use would be increased from its current limit of 36,750 to 74,000 with the intent to develop a graduate-level school specializing in physical and occupational therapy degrees on two buildings for a total of 74,000 square feet. The college and university facilities use which was previously permitted on Lot 2 (the subject tract) became a prohibited use. All of the other conditional overlays associated with the subject property, as well as the Development Agreement between the City of Austin and the Circle C Land Corporation and the associated covenants, remained unchanged. Please refer to Exhibit C.

The remainder of Tract 110 which is not part of this rezoning case is adjacent to the east and south.

The property was platted as Circle C Ranch, Phase B, Section Nineteen, a subdivision recorded on April 16, 1997 (C8-84-164.010.1A). The plat included a note which prohibits access to MoPac. A partial vacation of Circle C Ranch Phase B, Section Nineteen was recorded in on November 2003 (C8-84-164.01.13A(VAC)). A short form final plat application is currently in process (C8-2012-0078.0A). Please refer to Exhibit B.

There are no related site plan cases on the subject property.

#### **ABUTTING STREETS:**

Street Name	ROW	Pavement	Classification	Daily Traffic
La Crosse Avenue	100 feet	2 @ 24 feet	Collector	3,468+
Dahlgreen Avenue	90 feet	2 @ 22 feet	Collector	2,611++
Loop 1 (MoPac)	Varies	Varies	Expressway	18,300+++

+5700 Block of La Crosse Avenue – West of Rhett Butler Drive (12/01/04)

++ 10400 Block of Dahlgreen Avenue – South of La Crosse Avenue (5/14/01)

+++2009 Texas Department of Transportation - Annual Average Daily Traffic Counts (AADT)

- There are existing sidewalks along La Crosse Avenue and Dahlgreen Avenue.
- Capital Metro bus service is not available within 1/4 mile of this property.

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, bicycle facilities are existing and/or recommended along the adjoining streets as follows:

Street Name	Existing Bicycle Facilities	Recommended Bicycle Facilities
Dahlgreen Avenue (Route 303)	Wide Curb	Bike Lane
La Crosse Avenue (Route 90)	Wide Curb	Bike Lane

**CITY COUNCIL DATE:** August 16, 2012

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Rhoades  
e-mail: [wendy.rhoades@austintexas.gov](mailto:wendy.rhoades@austintexas.gov)

**PHONE:** 974-7719



N



1" = 400'



SUBJECT TRACT



PENDING CASE



ZONING BOUNDARY

## ZONING

ZONING CASE#: C14-2012-0059

EXHIBIT A

This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

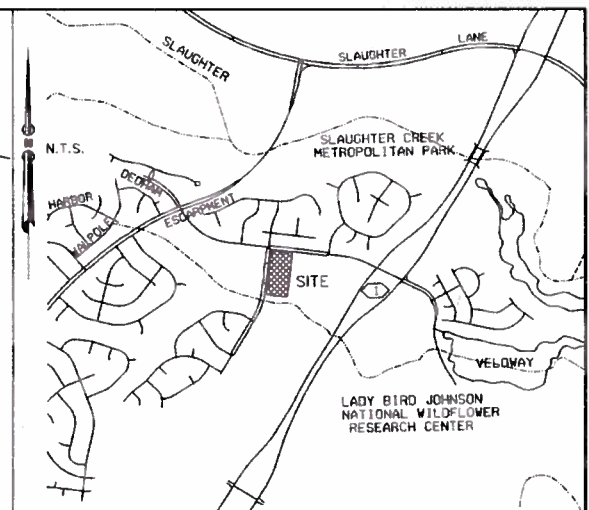
This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.







EXHIBIT A  
NORTH

[illegible]

**ORDINANCE NO. 20110324-056**

**AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 5501-5617 LA CROSSE AVENUE FROM COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY (GR-MU-CO) COMBINING DISTRICT TO COMMUNITY COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY (GR-MU-CO) COMBINING DISTRICT.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:**

**PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from community commercial-mixed use-conditional overlay (GR-MU-CO) combining district to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district on the property described in Zoning Case No. C14-2010-0205, on file at the Planning and Development Review Department, as follows:

Lots 1 and 2, Block Y, Circle C Ranch, Phase B, Section Nineteen Subdivision, a subdivision in the City of Austin, Travis County according to the map or plat of record in Book 98, Pages 371-373 of the Plat records of Travis County, Texas (the "Property"),

locally known as 5501-5617 La Crosse Avenue, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "A".

**PART 2.** The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

- A. Vehicular access from the Property to Dahlgreen Avenue is prohibited. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.
- B. The following conditions apply to Lot 1:
  - 1. A building or structure may not be constructed within 25 feet of La Crosse Avenue.
  - 2. A building or structure occupied by a commercial use may not be constructed within 50 feet of La Crosse Avenue.

3. Improvements permitted within these buffer zones are limited to nature trails, landscaping, picnic tables, benches, solid fences, small trash receptacles, i.e. 55 gallons or less, access to La Crosse Avenue, surface parking facilities unless otherwise provided in this section, detention and water quality re-irrigation facilities, utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.
4. The maximum height of a building or structure is 40 feet from ground level.

C. The following conditions apply to Lot 2:

1. A building or structure may not be constructed within 75 feet of La Crosse Avenue.
2. A building or structure may not be constructed within 50 feet of Dahlgreen Avenue.
3. Improvements permitted within these buffer zones are limited to nature trails, landscaping, access to La Crosse Avenue, picnic tables, benches, solid fences, small trash receptacles, i.e. 55 gallons or less, a surface parking facility unless otherwise provided in this section, detention and water quality re-irrigation facilities, utility improvements or those improvements that may be otherwise required by the City of Austin or specifically authorized in this ordinance.
4. Parking on Lot 2 shall be located at the rear or south of a building.
5. Not more than 20 percent of the required parking, including handicap parking, may be located within a street yard.
6. The maximum height for a building or structure is 35 feet from ground level.

D. The following uses of the property are prohibited uses on Lot 2:

Group residential  
Automotive sales  
Automotive washing (of any type)  
Commercial off-street parking  
Consumer repair services  
Exterminating services  
Food sales

Multifamily residential  
Automotive rentals  
Automotive repair services  
Consumer convenience services  
Drop-off recycling collection facility  
Financial services  
Funeral services

General retail sales (convenience)  
 Hotel-motel  
 Indoor sports and recreation  
 Outdoor sports and recreation  
 Personal improvement services  
 Plant nursery  
 Restaurant (general)  
 Theater  
 Residential treatment  
 Transportation terminal

General retail sales (general)  
 Indoor entertainment  
 Outdoor entertainment  
 Pawn shop services  
 Pet services  
 Research services  
 Service station  
 Custom manufacturing  
 Transitional housing  
 College and university facilities

- E. The following uses are prohibited uses for a single occupant of any lease space over 36,750 square feet on Lot 2:

Bed & breakfast residential (groups 1&2)  
 Business or trade school  
 Communications services  
 Personal services  
 Restaurant (limited)  
 Club or lodge  
 Community recreation (private)  
 Counseling services  
 Day care services (commercial)  
 Day care services (limited)  
 Group home Class I (limited)  
 Hospital services (limited)  
 Private primary educational facilities  
 Public primary educational facilities  
 Religious assembly  
 Telecommunication tower  
 Medical offices (exceeding 5000 sf)

Art workshop  
 Business support services  
 Off-site accessory parking  
 Guidance services  
 Special use historic  
 Communication service facilities  
 Community recreation (public)  
 Cultural services  
 Day care services (general)  
 Group home Class I (general)  
 Hospital services (general)  
 Local utility services  
 Private secondary education facilities  
 Public secondary education facilities  
 Safety services  
 Urban farm

- F. A drive-in service use as an accessory use for a restaurant use is a prohibited use on Lots 1 and 2.

- G. The following uses are prohibited uses for a single occupant of any lease space over 36,750 square feet on Lot 1:

Bed & breakfast residential (groups 1&2)  
 Business or trade school

Art workshop  
 Business support services

Commercial off-street parking  
 Consumer convenience services  
 Financial services  
 Funeral services  
 General retail sales (general)  
 Indoor entertainment  
 Off-site accessory parking  
 Outdoor sports and recreation  
 Personal services  
 Pet services  
 Restaurant (general)  
 Special use historic  
 Custom manufacturing  
 Community recreation (private)  
 Counseling services  
 Day care services (commercial)  
 Day care services (limited)  
 Group home Class I (limited)  
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 Private primary educational facilities  
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 Cultural services  
 Day care services (general)  
 Group home Class I (general)  
 Guidance services  
 Local utility services  
 Private secondary education facilities  
 Public secondary education facilities  
 Religious assembly  
 Telecommunication tower  
 Medical offices (exceeding 5000 sf)

H. A college and university facilities use is a prohibited use for a single occupant of any lease space over 74,000 square feet on Lot 1.

I. The following uses of the property are prohibited uses on Lot 1:

Group residential  
 Automotive sales  
 Automotive washing (of any type)  
 Service station  
 Drop-off recycling collection facility  
 Transportation terminal

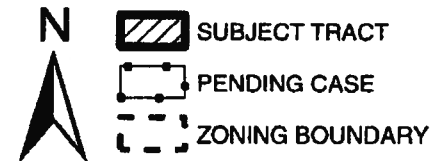
Multifamily residential  
 Automotive rentals  
 Automotive repair services  
 Pawn shop services  
 Transitional housing  
 Residential treatment

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## ZONING EXHIBIT A

ZONING CASE#: C14-2010-0205  
 LOCATION: 5501-5617 LA CROSSE AVE  
 SUBJECT AREA: 33.790 ACRES  
 GRID: B15-16  
 MANAGER: WENDY RHOADES



1"= 400'

This map has been produced by the Communications Technology Management Dept. on behalf of the Planning Development Review Dept. for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

**SUMMARY STAFF RECOMMENDATION:**

The Staff recommendation is to grant community commercial – mixed use – conditional overlay (GR-MU-CO) combining district zoning to modify the conditional overlay by removing the provision which prohibits vehicular access to Dahlgreen Avenue for a day care services use only. All other portions of the Conditional Overlay that apply to Lot 2 (the subject property) will remain unchanged.

**BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

*1. The proposed zoning should be consistent with the purpose statement of the district sought.*

The proposed community commercial (GR) district is intended for office and commercial uses serving neighborhood and community needs, including both unified shopping centers and individually developed commercial sites, and typically requiring locations accessible from major trafficways. The MU – Mixed Use combining district is intended for combination with selected base districts, in order to permit any combination of office, retail, commercial, and residential uses within a single development.

*2. Zoning changes should promote compatibility with adjacent and nearby uses, and should not result in detrimental impacts to the neighborhood character.*

Staff recommends the Applicant's request as it: 1) represents an incremental change in zoning on the property; and 2) allows for a use that is compatible with the nearby uses including single family residences, an elementary school and child care facilities.

**EXISTING CONDITIONS****Site Characteristics**

The tract is undeveloped and slopes to the south. There is a drainage and filtration pond contained within a designated easement located on the southern portion of the property.

**Impervious Cover**

The maximum impervious cover allocated to Tract 110 is 15% of 246.389 acres, as established by the Development Agreement between the City of Austin and Circle C Land Corp, effective as of August 15, 2002. No changes to the allocated impervious cover are contemplated with the rezoning application.

**Environmental**

This site is located over the Edwards Aquifer Recharge Zone. The site is in the Slaughter Creek Watershed of the Colorado River Basin, which is classified as a Barton Springs Zone (BSZ) Watershed. It is in the Drinking Water Protection Zone.

The site is located within the endangered species survey area.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Numerous trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current Circle C Agreement, development or redevelopment on this site will be subject to providing structural sedimentation, filtration and/or re-irrigation basins per Section 7 of the Agreement.

### **Transportation**

No additional right-of-way is needed at this time.

The traffic impact analysis for this site was waived because this property is subject to the Development Agreement between the City of Austin and Circle C Land Corporation referenced and recorded in Document No. 2002151984 with Zoning Case C14-02-0040.110.

### **Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. The water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

### **Compatibility Standards**

Site plans will be required for any new development other than single-family or duplex residential.

This site is in the Scenic Roadway sign district. All signs must comply with Scenic Roadway sign district regulations.

Any development which occurs in an SF-6 or less restrictive zoning district which is located 540-feet or less from property in an SF-5 or more restrictive zoning district will be subject to compatibility development regulations. The site is subject to compatibility standards. Along the north property line, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.



Child Development Center

Michelle Moran  
5917 La Crosse Avenue  
Austin, TX 78739  
April 19, 2012

Beau Armstrong, CEO  
Stratus Properties  
212 Lavaca Street  
Suite 300  
Austin, TX 78701

RE: Circle C Ranch, Tract 101, Lot 2 Amendment to Declaration of restrictive Covenants (Circle C: Tract 110)

Dear Mr. Armstrong,

The Circle C Child Development Center is requesting that Stratus Properties and the City of Austin grant permission to alter the tract covenant which currently states that access to Lot 2 can only be established via Lacrosse Avenue. Alternatively, we are asking to allow us to place our entrance on Dahlgreen. Listed below are some facts for your consideration:

- The design for our new center, places the structure on the back part of the lot. We plan to keep every tree possible and to have expansive natural playgrounds lining the front and the majority of the lot.
- Following this design means that the building will not be able to be seen from the homes on La Crosse or the homes on the South end of Dahlgreen.
- The covenant also states that the parking lot needs to be behind the building, which we support. Following this rule means that if our access is located on La Crosse, we would have to construct a driveway which runs the entire length of the site. This would necessitate more impervious cover, in turn affecting the overall plan and design for the building. This would increase the visibility of our center to the surrounding homes.
- Regardless of where we access - Dahlgreen or La Crosse - there will still be added traffic coming from the same areas. Very few families will be coming from Mopac; most will come from the main part of the Circle C community.
- The new CDC will be a full-time center, which means drop-off and pick-up will happen throughout the morning and afternoon. Because there is not a finite start and stop time like Kiker Elementary, the added traffic would be dispersed throughout the day.

- There will be approximately 130 children and 30 staff members on this site.
- If the covenant is upheld, we are concerned that having an entrance on La Crosse Avenue may present safety issues. The city will not allow another curb cut on La Crosse Avenue, which would mean families would have to make a U-turn each time to enter and exit our center. The frequency of the U-turns near an already very busy intersection presents a significant risk to the community. Especially, during school hours when the pedestrian traffic and vehicle traffic are extremely high.

Thank you so much for your consideration. Please do not hesitate to contact me with any concerns or questions. I look forward to moving forward with this exciting project and continuing to offer quality childcare to the Southwest Austin area.

Sincerely,



Michelle Moran

Executive Director

Circle C Child Development Center

(512) 288-9792

[mmoran@circleccdc.org](mailto:mmoran@circleccdc.org)

CIRCLE C HOMEOWNERS ASSOCIATION, INC.  
7817 La Crosse Avenue, Austin, Tx 78739  
512-288-8663 [Info@Circlecranch.Info](mailto:Info@Circlecranch.Info)

May 14, 2012

Beau Armstrong, CEO  
Stratus Properties  
212 Lavaca Street  
Suite 300  
Austin, Texas 78701

RE: Circle C Ranch, Tract 110, Lot 2 Amendment to Declaration of Restrictive Covenants [Circle C: Tract 110]

Dear Mr. Armstrong:

It is our understanding that you are in the process of negotiating the sale of Circle C Ranch, Tract 110, Lot 2 to the Circle C Child Development Center (CCCDC) for the purpose of construction of additional child care facilities to be operated by the CCCDC.

The Director of the CCCDC has expressed that one of the conditions of the purchase would be to allow access from the Dahlgreen Avenue (west side) of Lot 2, a condition that is currently prohibited by the existing Tract 110 Covenant, (Section B. 2), executed August 15, 2002.

Per Section 7. B. of the same tract covenant, the Tract Covenant may be amended "with the consent of 75% of the owners of the aggregate of the Property and the CCHOA (whose consent shall be expressed through the approval of the Board of Directors of the CCHOA)."

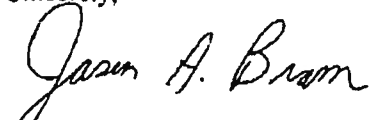
The Circle C Homeowners Association Board of Directors hereby gives consent for the Tract 110 Covenant to be amended as follows:

Section 2. Access Prohibition. There shall be no vehicular access for the purpose of ingress and egress from Tract 110 to Dahlgreen Avenue, an existing public right of way "except for one ingress and egress driveway to provide access to Lot 2 from Dahlgreen Avenue."

This amendment will be executed solely for the purpose of the sale of Lot 2 to the Circle C Child Development Center for additional child care facilities within Circle C Ranch.

Thank you for your continuing support of the Circle C Ranch community, and please let us know if you need further assistance in amending the Tract 110 Restrictive Covenant.

Sincerely,



Jason Bram, President  
Circle C Homeowners Association, Inc

## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.austintexas.gov](http://www.austintexas.gov)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

Case Number: C14-2012-0059

Contact: Wendy Rhoades, 512-974-7719

Public Hearing: July 17, 2012, Zoning and Planning Commission

August 16, 2012, City Council

Travis and Denise Ward

Your Name (please print)

10500 Galsworthy Ln, Austin TX 78739

Your address(es) affected by this application

7-8-2012

Date

Signature

Daytime Telephone: 512-507-3471

Comments: I have no doubt that you will pass this since this City Council will always side with business over the residents of Austin, but I will try anyway. Please stop destroying what natural habitat is left in southwest Austin. We moved here so my daughters could grow up around nature and slowly but surely you have allowed business after business ruin that for them. I ask you, for once, to do the right thing and save our neighborhood instead of whittle away at it.

If you use this form to comment, it may be returned to:

City of Austin

Planning & Development Review Department

Wendy Rhoades

P. O. Box 1088

Austin, TX 78767-8810